

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

JAMES DERRICK O'NEAL,

Petitioner,

vs.

MARGARET BAGLEY, Warden

Respondent.

:

:

:

:

Case No. 1:02-cv-357

District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

Death Penalty Case

---

STATUS REPORT ON STATE COURT PROCEEDINGS:  
DECISION OF COURT OF APPEALS OF HAMILTON COUNTY

---

Petitioner James O'Neal, through the undersigned counsel, hereby submits this report on the status of the state court proceedings on his Atkins claim.

Accompanying this status report is a copy of the December 1, 2006 decision of the Court of Appeals of Hamilton County, Ohio in State of Ohio v. James Derrick O'Neal, Case No. C-050840, affirming the judgment of the Court of Common Pleas.

Petitioner will be filing a notice of appeal to the Supreme Court of Ohio within 45 days from the date of this decision as provided for in the Rules of the Supreme Court of Ohio.

Respectfully submitted,

s/John J. Gideon  
JOHN J. GIDEON (0008151)  
(Trial Counsel)  
250 East Stanton Avenue  
Columbus, Ohio 43214-1268  
Phone: (614) 844-3954

Email: johngideon@sbcglobal.net

s/Michael W. Krumholtz  
MICHAEL W. KRUMHOLTZ (0009099)  
(Co-Counsel)  
Bieser, Greer & Landis LLP  
6 North Main Street, Suite 400  
Dayton, Ohio 45402-1908  
Phone: (937) 223-3277  
Facsimile: (937) 223-6339  
Email: mwk@bgllaw.com

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2006 I electronically filed the foregoing Status Report on State Court Proceedings: Decision of Court of Appeals of Hamilton County with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen E. Maher and Matthew C. Hellman, Assistant Attorneys General, Capital Crimes Section, 30 East Broad Street-23rd Floor, Columbus, Ohio 43215-3428.

s/ John J. Gideon  
JOHN J. GIDEON (0008151)  
(Trial Counsel)  
250 East Stanton Avenue  
Columbus, Ohio 43214-1268  
Phone: (614) 844-3954  
Email: johngideon@sbcglobal.net

COUNSEL FOR PETITIONER